

REMARKS

In the subject Office Action the Examiner required restriction between the subject matter of Claims 15-21 (Group I) and that of Claims 22-25 (Group II). Applicants respectfully traverse the restriction requirement, and request that it be reconsidered and withdrawn and all Claims 15-25 be examined together.

In accordance with 37 C.F.R. § 1.143, and pending the requested reconsideration of the restriction requirement, Applicants provisionally elect the claims of Group II for examination, and provisionally withdraw the Claims of Group I from examination in this application. Applicants reserve their right under 35 U.S.C. § 121 to file a divisional application claiming the subject matter of the claims of Group I should the restriction requirement not be withdrawn.

It is noted that the Examiner has previously indicated that Claims 22-25 (Group II) would be allowable if amended to independent form. The provisional amendments herein put those claims in independent form, and therefore if the restriction requirement is maintained, they will then be allowable.

Notwithstanding that Applicants have provisionally elected the claims of Group II and have made the provisional amendments herein, Applicants respectfully submit that the restriction requirement is not warranted. Applicants believe that the Examiner's assertions that the claims of Groups I and II define "two very different games with different methods of play" and "inventions" which are "unrelated" are not correct. All four claims of Group II are dependent directly or indirectly from Claim 15, the only independent claim currently in the application and the principal claim of Group I. Claim 22, the principal claim in Group II (and from which Claims 23-25 depend), specifically refers to and further defines the "biasing" element of Claim 15, and is therefore an integral part of the claim structure of the unitary invention. Dividing the game of Claim 15 into two artificial parts does not result in "two very different games" nor result in two "different methods of play" *since there is only a single game defined in Claims 15-25.*

Claim 15 defines three elements of the game method: biasing, dealing and playing. Dependent Claims 16-21 further define details of the dealing and playing elements of

Claim 15 and dependent Claims 22-25 further define details of the biasing element of Claim 15. The game rules and overall concept remain identical regardless of which individual claim is being considered. When a method of an independent claim is defined as steps A, B and C, simply further defining those A, B and C elements in subsequent dependent claims does not turn those elements into separate inventions.

It is submitted that retaining all the dependent claims to the elements of the independent claim in a single application is economical of both the Examiner's time and of Applicants' time. A single prior art search of Claim 15 necessarily also covers all elements of the invention in the dependent claims. Dividing the dependent claims into two artificial "groups" will require that Applicants must bear the time delays and extra costs to file and prosecute a divisional application to get the claims examined and require that the Examiner must conduct the same search twice and write essentially the same Office Actions twice.

In view of the above considerations, Applicants respectfully request that the Examiner reconsider and withdraw her restriction requirements, maintain all Claims 15-25 in the present application, and proceed forward to allowance of all eleven claims for the reasons discussed in Applicants' previous August 11, 2007 Response.

Should the Examiner elect to maintain the restriction requirement, she is respectfully requested simultaneously to allow elected Claims 22-25, as amended

FEES

It is not believed that any fees are due with respect to the provisional amendment of the claims herein. However, should any additional fees be due, the Patent and Trademark Office is authorized to charge all such fees to Deposit Account No. 50-1990.

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CONCLUSION

Should the Examiner believe that withdrawal of the restriction requirement and allowance of all claims in this application might be expedited by further discussion of the issues, she is cordially invited to telephone the undersigned attorney at the contact telephone number listed below at her convenience.

Respectfully submitted,

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